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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,402	03/09/2004	Pietro Scarafie	D-1219 R3	5591
28995	7590	05/02/2006		EXAMINER
RALPH E. JOCKE walker & jockey LPA 231 SOUTH BROADWAY MEDINA, OH 44256			LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/797,402	SCARAFILE ET AL.	
	Examiner EDWYN LABAZE	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-16, 19 and 20 is/are allowed.
- 6) Claim(s) 17, 18 and 31-33 is/are rejected.
- 7) Claim(s) 21-30, 34-37 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-37 are presented for examination.
2. This application claims the benefits of 60/453,365 filed on 3/10/2003.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17-18, 31, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by May (U.S 5,760,380).

Re claims 17-18, 31, and 33: May teaches shutter mechanism for card controlled self-service transaction terminal, which includes operatively engaging a structural portion operatively connected with a card reader 94 mounted in supporting connection with a machine housing of an automated banking machine 10 {as shown in fig. # 1} that includes a cash dispenser {through slot 26}, with a fascia portion {herein the fascia portion is broadly interpreted as the shutter mechanism 40 located behind the card slot entry 24} movably mounted {herein the examiner broadly interprets the movably mounted means as the shutter 42 being able to move from an open position to a closed position when the card is inserted into the card slot} in supporting connection with the machine housing 20 (see figs. #); moving the fascia portion 40 relative to the machine housing responsive to operative engagement in (a) to an operative position {as shown in fig. # 3, wherein the card 70 is inserted in the card slot 70, and the fascia portion

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includes micro-switches and magnetic pre-sensor, not shown, for detecting the magnetic stripe during a timeout while the shutter is closed position before allowing the card through the card reader 94} of the fascia portion wherein a card 70 is enabled to be passed to the card reader 94 from outside the machine through a card accepting opening 24 (col.2, lines 20-67; col.3, lines 1+).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over May (U.S. 5,760,380) in view of Kenneth et al. (U.S. 5,760,380).

The teachings of May have been discussed above. May further teaches a closed position of the shutter after the card is inserted, before driven to the reader and wherein if a fraudulent user has inserted foreign material, the foreign material cannot be accessed by the user (see fig. # 4, lines 1-6).

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May fails to specifically teach that the card/foreign material is directed to a bin operatively connected to the reader for holding the fraudulent/non-authorized card.

Kenneth et al. discloses self-service terminal capable of detecting fraudulent use of an integrated circuit card, which includes means of directing a detected fraudulent card to a retention bin 20 operatively connected to a reader for holding the fraudulent/non-authorized card (col.3, lines 55-67; col.4, lines 1+).

In view of Kenneth et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of May a bin operatively connected to the reader for holding the fraudulent/non-authorized card. Furthermore, since the user can no longer have access to the inserted card after detection of a fraudulent activity and/or material, and in order to keep the terminal active/available for other users/transactions, the fraudulent card/material is to be cleared the reader path, and thereby preventing reuse/circulation of fraudulent document. Moreover, such modification would have been an obvious extension as taught by May, therefore an obvious expedient.

Allowable Subject Matter

8. Claims 21-30 and 34-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 1- 16 and 19-20 are allowed.
10. The following is a statement of reasons for the indication of allowable subject matter:
The prior art of record, taken alone or in combination with any other references, fails to teach

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that the card housing and fascia portion are mounted in relatively movable supporting connection with the machine housing and are relatively movable between the operative position and a service position when the card housing does not extend in the fascia opening, and means of moving the fascia portion relative to the machine housing both vertically and horizontally wherein at least one ramp surface in operative connection to the inside face. These limitations in conjunction with other limitations in the claimed invention were not shown by the prior art of record.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Do et al. (U.S. 5,984,177) teaches multiple configuration automatic teller machine.

Schanz et al. (U.S. 6,328,206) discloses adjustable display mounting mechanism for automatic banking machine.

May (U.S. 6,588,659) teaches card reader module.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395.

The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
April 29, 2006



THIEN M. LE
PRIMARY EXAMINER